

AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF POLAND
ON THE STATUS OF THE ARMED FORCES OF THE UNITED STATES OF AMERICA
IN THE TERRITORY OF THE REPUBLIC OF POLAND

Preamble

The Government of the United States of America (the United States) and the Government of the Republic of Poland hereinafter referred to collectively as "the Parties" and "Party" singularly;

Considering that strengthening of mutual cooperation in the area of defense will greatly enhance the existing relations between the United States and the Republic of Poland and security commitments, as provided for in the North Atlantic Treaty done at Washington on April 4, 1949, and will make a substantial contribution to the preservation of international peace and security;

Guided by the provisions of the Charter of the United Nations done at San Francisco on June 26, 1945 and the North Atlantic Treaty;

Recognizing that cooperation in the area of defense shall be based on full respect for the sovereignty of the States of the Parties;

Considering that, by arrangement between the United States and the Republic of Poland, elements of the United States forces, their civilian component and dependents may be present in the territory of the Republic of Poland;

Considering that the purpose of the presence of United States forces in the territory of the Republic of Poland is the participation in the common defense efforts and to promote peace and security in areas of mutual interest;

Desiring to resolve issues relating to the presence of members of the Armed Forces of the United States in the territory of the Republic of Poland;

Recognizing the applicability of the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of their Forces done at London on June 19, 1951, hereinafter, "the NATO SOFA," and intending to supplement the provisions thereof;

Referring to the provisions of the Agreement between the Government of the United States of America and the Government of the Republic of Poland Concerning Security Measures for the Protection of Classified Information in the Military Sphere done at Warsaw on March 8, 2007;

Have agreed as follows:

Article 1 Purpose and Scope

1. This Agreement supplements the NATO SOFA and further defines the status of, and terms and conditions governing the presence of, United States forces, members of the force and the civilian component, and dependents in the territory of the Republic of Poland. This Agreement, in specific situations indicated herein, also defines the status of, and terms and conditions governing the presence of, United States contractors and United States contractor employees in the territory of the Republic of Poland in connection with the provision of goods and services to United States forces.
2. For matters not covered by this Agreement, the relevant provisions of the NATO SOFA, if any, shall apply.

Article 2 Definitions

For the purpose of this Agreement, the expression:

a. "United States forces" shall mean the entity comprising the members of the force and civilian component, and all property, equipment, and materiel of the United States Armed Forces present in the territory of the Republic of Poland;

b. "force" shall have the same meaning as in Article I, paragraph 1(a) of the NATO SOFA;

c. "civilian component" shall mean:

(i) persons referred to in Article I, paragraph 1(b) of the NATO SOFA,

(ii) United States nationals who are employed by the United States and who are serving with United States forces,

(iii) employees of non-Polish, non-commercial organizations who are nationals of or ordinarily resident in the territory of the United States and who are not ordinarily resident in the territory of the Republic of Poland, and who solely for the purpose of contributing to the welfare, morale or education of United States forces, are accompanying those forces in the territory of the Republic of Poland.

For the purposes of Article 13 of this Agreement, "civilian component" shall not mean citizens of the Republic of Poland and persons ordinarily resident in territory of the Republic of Poland. For the purposes of Articles 15 and 17 of this Agreement, "civilian component" shall not mean the persons referred to in subparagraph (iii) above.

d. "dependent" shall mean a person referred to in Article I, paragraph 1(c) of the NATO SOFA as well as a person who for legal, financial or health reasons is dependent upon a member of the force or the civilian component, is supported by him/her, who resides with such member, and who is present in the territory of the Republic of Poland with the consent of the relevant authorities of United States forces;

e. "contractor" shall mean a natural person who is not a member of the force or the civilian component, a legal person, or other entity with legal capacity, who provides goods or services to United States forces on the basis of a contract or subcontract with or for United States forces;

f. "United States contractor" shall mean a natural person who is not a citizen of nor ordinarily resident in the Republic of Poland or a legal person which is not registered in the Republic of Poland, and is present in the territory of the Republic of Poland exclusively to provide goods and services to United States forces under a contract with or for United States forces;

g. "United States contractor employee" shall mean a natural person who is not a citizen of nor ordinarily resident in the Republic of Poland, who is in an employment relationship with a United States contractor and working in the Republic of Poland exclusively in connection with a contract or subcontract to provide goods or services to United States forces;

h. "local civilian employee" shall mean a person who is not a member of the force or the civilian component, authorized to stay in the Republic of Poland and to be employed by United States forces on the basis of legal provisions applicable in the Republic of Poland;

i. "agreed facilities and areas" shall mean areas, facilities, buildings or structures in the territory of the Republic of Poland, owned by the Republic of Poland, and used by United States forces with the consent of the Republic of Poland;

j. "classified information" shall mean information that is generated by or for the Department of Defense of the United States of America (in the United States referred to as "Classified Military Information"), or the Ministry of National Defense of the Republic of Poland, or that is under their jurisdiction or control, and which requires protection according to the internal laws and regulations of the Parties and the provisions

of this Agreement. Classified information may be in oral, visual, or documentary form, or any other form including equipment or technology;

k. "Executive Agent" shall mean the Department of Defense for the United States and the Ministry of National Defense for the Republic of Poland.

Article 3

Use of Agreed Facilities and Areas

1. Recognizing the mutual benefit of the presence of United States forces in the territory of the Republic of Poland in the framework of common defense efforts, the Republic of Poland shall furnish without rental or similar costs to United States forces, agreed facilities and areas, including agreed facilities and areas jointly used by United States forces and the Armed Forces of the Republic of Poland, in accordance with specific agreements concluded between the two Parties, and with due regard for operational and security concerns. Unless otherwise agreed, United States forces shall pay their proportionate share of all necessary operations and maintenance expenses associated with their use of agreed facilities and areas.

2. United States forces, United States contractors and their employees, local civilian employees of United States forces, and vehicles, vessels and aircraft operated by or for United States forces are authorized access to and use of agreed facilities and areas.

3. When requested, the Executive Agent for the Republic of Poland shall assist insofar as possible in facilitating the temporary access of United States forces stationed in the territory of the Republic of Poland to land owned by the State Treasury that is not part of agreed facilities and areas, land owned by municipalities, and private land for use in support of United States forces maneuver and training. This paragraph shall not apply to activities that are regulated in Article 5 of this Agreement. Activities of United States forces mentioned in this paragraph may be conducted only with the consent of the Executive Agent of the Republic of Poland. In particular the Executive Agent of the Republic of Poland shall not grant its consent for activities that it considers to pose a threat to public safety.

4. The law of the Republic of Poland applies in the agreed facilities and areas. United States forces, members of the force and the civilian component, and dependents, shall have the duty to respect the law of the Republic of Poland in agreed facilities and areas and elsewhere in the territory of the Republic of Poland.

5. The Executive Agent of the Republic of Poland shall be responsible for obtaining all authorizations and permits required by the law of the Republic of Poland, to the maximum extent possible considering the information, documentation, and technical studies referred to below. The United States Executive Agent shall assist the Executive Agent of the Republic of Poland by expeditiously providing on request releasable, relevant, existing information, documentation, and technical studies, as appropriate. There shall be no charge to the United States for such authorizations and permits.

6. United States forces may undertake construction activities on, and make alterations and improvements to, agreed facilities and areas to the extent such construction, alterations, and improvements are reasonably necessary to support the mutually agreed mission of United States forces on agreed facilities and areas, subject to the following provisions:

a. The law of the Republic of Poland concerning construction activities shall not apply to construction activities of the United States on agreed facilities and areas, unless this Agreement provides otherwise. Such activity shall be considered a public purpose as that term is used in the law of the Republic of Poland.

b. United States forces shall be responsible for the design, construction, maintenance, and operation of its facilities, and for applying safety standards in all these activities.

- c. Works on agreed facilities and areas, including routine maintenance, repair and construction works related to repair, renovation or reconstruction of structures, not increasing the external dimensions of a structure, not creating a reduction of structural integrity or creating unsafe conditions for users of the structure may be conducted following a mutually agreed expedited coordination process. The appropriate authorities of the Parties may agree to apply the expedited process to instances where there is an insignificant increase in external dimensions.
- d. Prior to beginning any construction activity other than those referred to in subparagraph c of this paragraph, the United States shall submit to the Executive Agent of the Republic of Poland releasable, existing documents, including technical documentation, data, reports and analyses, as requested by the Executive Agent of the Republic of Poland, relevant to the planned construction activity, including documents confirming the approval of all relevant United States authorities to undertake such activity. United States forces shall coordinate with the Executive Agent of the Republic of Poland on the planned construction. United States forces shall not proceed with the construction over Executive Agent of the Republic of Poland objection. Should no formal objection be lodged by the Executive Agent of the Republic of Poland within 60 days after the submission of the documents the construction may proceed as planned. The permitting requirements of the law of the Republic of Poland shall be deemed to be satisfied through the absence of such formal objection. As mutually agreed, specific documents, data, reports and analyses referred to in this subparagraph shall be translated into the Polish language, and the costs of translation shall be shared as mutually agreed.
- e. The United States shall be responsible for ensuring safety during construction activities referred to in this paragraph. The United States shall respect technical and safety requirements and standards of the Republic of Poland but may apply its own technical and safety requirements and standards of construction including environmental standards as set forth in Article 30, of this Agreement, in the following instances: (1) where the United States standards and technical and safety requirements are similarly effective in achieving the desired protections; or (2) where the application of United States standards and technical and safety requirements would have no foreseeable adverse impact upon the health and safety of the Polish general public or personnel. Prior to beginning construction activities, the United States shall assure the Executive Agent of the Republic of Poland that the above conditions are fulfilled.
- f. The United States Executive Agent shall regularly report to the Executive Agent of the Republic of Poland on the progress of construction activities and shall promptly provide additional or updated design documentation as it becomes available. The United States Executive Agent shall, in coordination with the Executive Agent of the Republic of Poland, provide representatives of the competent construction supervision authorities of the Republic of Poland access to a construction site, subject to restrictions on classified or controlled technology or data, in order to observe that the construction works are in conformity with the design. If the Executive Agent of the Republic of Poland determines that the construction work deviates substantially from the design provided by the United States Executive Agent or that safety requirements are not respected, the Executive Agents of the Parties shall immediately consult to resolve the issue.
- g. The United States Executive Agent shall notify the Executive Agent of the Republic of Poland when construction is completed and use of the facilities has begun.
- h. United States forces may carry out construction works with members of the force, the civilian component, contractors, or with local civilian labor employed by United States forces.
7. At the time any facility or area or portion thereof is returned to the Republic of Poland by the United States, the United States shall turn over to the Executive Agent of the Republic of Poland existing documentation including "as built" drawings, operations and maintenance manuals, instructions, and any warranties that remain in force.
8. Upon mutual agreement, the United States may construct temporary or contingency facilities. The term "temporary or contingency facilities" refers to facilities that are not

permanent in nature, and are intended to be used only for the time needed to accomplish the temporary limited purpose for which they were constructed. For the purposes of Article 4 of this Agreement, such facilities will be treated as relocatable structures, and will be removed by the United States after conclusion of the temporary need or contingency, unless the Executive Agents of the United States and the Republic of Poland agree that it is beneficial to leave them in place for a further period. In appropriate cases, the United States may request an expedited coordination and consultation process. If an expedited process is requested, United States forces shall not proceed with the construction over objection by the Executive Agent of the Republic of Poland; however, should no formal objection be lodged by the Executive Agent of the Republic of Poland within 15 days of submission of relevant and releasable documents in the possession of the United States the construction may proceed as planned.

9. Where buildings or other construction are constructed or developed for exclusive use by United States forces, such construction or development, and operations and maintenance costs therefor, shall be the responsibility of the United States unless otherwise agreed.

10. Where buildings or other construction are constructed or developed for joint use, unless otherwise agreed, such construction or development, and operations and maintenance costs therefor, shall be shared by the Parties on the basis of proportionate use as mutually agreed.

11. The Parties shall cooperate on long-term planning regarding the use and development of areas surrounding agreed facilities and areas to ensure the implementation of this Agreement over the long term.

Article 4 Property Ownership

1. All agreed facilities and areas including buildings, non-relocatable structures and assemblies connected to the soil in agreed facilities and areas, including those used, altered or improved by United States forces, remain the property of the Republic of Poland. All such structures constructed by United States forces become the property of the Republic of Poland, once constructed, and United States forces are authorized to modify such structures, and to use them until no longer needed by United States forces. United States forces shall notify the competent authorities of the Republic of Poland when an agreed facility or area, or any portion thereof, is no longer needed.

2. United States forces shall return as the sole and unencumbered property of the Republic of Poland any agreed facility or area, or any portion thereof, including non-relocatable structures and assemblies constructed by United States forces therein once no longer needed by United States forces. The Parties or their Executive Agents shall consult regarding the terms of return of any agreed facility or area, including compensation for the residual value, if any, of improvements or construction.

3. United States forces shall retain title to all equipment, materiel, supplies, relocatable structures, other movable property and fixtures they have installed, imported into or acquired within the territory of the Republic of Poland in connection with this Agreement. This also applies to United States contractors unless their property has been lawfully transferred to other entities.

4. The Parties may consult regarding the possible transfer or purchase of equipment determined to be excess, as may be authorized by United States law and regulations.

Article 5 Military Exercises

1. Military exercises of United States forces in the territory of the Republic of Poland that are conducted outside agreed facilities and areas shall require prior consent of the

Minister of National Defense of the Republic of Poland. For United States forces who are not already present in the territory of the Republic of Poland, the exercises shall require the consent of appropriate authorities of the Republic of Poland.

2. Military exercises, if conducted outside agreed facilities and areas, shall be conducted in airspace, territorial waters, and land training areas in locations designated for that purpose.

3. For the purpose of this Article, competent authorities of the Parties shall conclude for each military exercise outside agreed facilities and areas separate implementing arrangements, which shall specify, among other things, the venue of the exercise and any safety, fire, and environmental regulations that may affect the exercise.

Article 6 Uniforms

During their stay in the territory of the Republic of Poland, members of the force should, as a rule, wear uniforms when performing their official duties.

Article 7 Weapons

1. Members of the force may possess and carry service arms in accordance with the law of the United States, if they are authorized to do so by their orders in performance of their official duties.

2. Members of the civilian component as defined in Article 2, paragraph c(i) and (ii) of this Agreement may possess and carry service arms in accordance with the law of the United States when performing their official duties in agreed facilities and areas.

Members of the civilian component as defined in Article 2, paragraph c(i) and (ii) of this Agreement may possess and carry service arms in accordance with the law of the United States when performing their official duties outside agreed facilities and areas upon mutual agreement of the Executive Agents or their designees in each case.

3. With regard to the storage of arms and munitions on agreed facilities and areas, United States forces shall apply their own law and regulations. Arms and ammunition may be stored outside agreed facilities and areas upon mutual agreement.

4. The importation, exportation, possession, trade and services related to private arms and ammunition in the territory of the Republic of Poland shall be regulated by the law of the Republic of Poland. For the purposes of this Article, the expression "services related to private arms and ammunition" means the conduct of economic activity to repair or produce substantial components of the weapons, modify weapons, produce ammunition, as well as services that are provided for educational, sport or leisure purposes, and that include in particular maintenance of shooting ranges, hunting or training activities.

Article 8 Entry, Stay and Departure of Personnel

1. The Republic of Poland waives its authority under Article III, paragraph 2(b) of the NATO SOFA, to require countersignature of movement orders. The Republic of Poland may withdraw its waiver and require countersignature of movement orders with advance notice to United States authorities.

2. Entry and stay of members of the force in the territory of the Republic of Poland shall be subject to the provisions of Article III, paragraphs 1 and 2 of the NATO SOFA.

3. Members of the civilian component and dependents staying in the territory of the Republic of Poland shall possess a valid United States Department of Defense

identification card or a certificate issued by the relevant United States authorities confirming their status as members of the civilian component or dependents, and a valid passport. The identification card or the certificate shall entitle the aforementioned persons to enter and stay in the territory of the Republic of Poland, provided they possess a valid passport. During their stay in the territory of the Republic of Poland, these persons shall not be subject to the provisions concerning registration and control of foreigners nor shall they be considered as acquiring any right to permanent residence in the territory of the Republic of Poland.

4. During their stay in the territory of the Republic of Poland, the persons referred to in paragraph 3 of this Article shall be obliged to present a valid passport and either the identification card or the certificate upon request by the authorities of the Republic of Poland. The United States shall provide, prior to the entry into force of this Agreement, a specimen and technical data of identification cards and certificates to the relevant authorities of the Republic of Poland.

5. The principles stipulated in paragraphs 2 through 4 of this Article shall apply exclusively to the entry and stay in the territory of the Republic of Poland and do not apply to principles of entry and stay in the territory of other states.

6. The United States shall present to the Executive Agent of the Republic of Poland a list of persons described in paragraph 3 of this Article, traveling on official orders, at least 14 days prior to their initial entry into the territory of the Republic of Poland. The Parties or their designees shall consult when the time requirements for notification of initial entry by dependents and members of the civilian component cannot be met. The competent authorities of the Republic of Poland may decline these persons a right to enter in situations provided for by the provisions of the law of the Republic of Poland.

7. Except as otherwise provided for in Article 33 of this Agreement, entry, stay and exit of contractors and their employees who are not citizens of the Republic of Poland shall be regulated in its territory by the provisions of the law of the Republic of Poland. If visas are required, the Republic of Poland shall issue or deny them expeditiously.

8. Should a member of the force or the civilian component die or leave the territory of the Republic of Poland due to professional transfer, the dependents of such member, while present in the territory of the Republic of Poland, shall continue to enjoy the status of a dependent under this Agreement for a period of 90 days after such death or transfer. In cases where dependents had been enrolled in education facilities in the territory of the Republic of Poland prior to the member's death or transfer, the member's family members shall continue to enjoy the status of dependents for a period of 90 days counted from the date of graduation or termination of the current school or academic year.

9. Subject to Article III, paragraph 5 of the NATO SOFA, in the event of a threat to security or public order of the Republic of Poland posed by members of the force or the civilian component, the competent authorities of the United States shall, at the written request of the competent authorities of the Republic of Poland, remove such persons from the territory of the Republic of Poland.

Article 9

Professional Licenses, Permits, and Authorizations

1. Except as provided in paragraphs 2 and 3 of this Article, the Republic of Poland shall not require members of the force or the civilian component, United States contractors, or United States contractor employees to obtain professional licenses issued by the Republic of Poland in relation to the provision of services as part of their official or contractual duties provided to United States forces, members of the force and the civilian component, dependents, United States contractors, United States contractor employees, and other persons as mutually agreed.

2. United States contractors and United States contractor employees that provide transportation services shall possess appropriate licenses and permits recognized by the Republic of Poland.

3. United States contractors and United States contractor employees may provide security services for people and property provided that they have all the necessary professional licenses, permits, and authorizations in accordance with the law of the Republic of Poland. However, citizenship and residence requirements of the law of the Republic of Poland applicable to the provision of security services for people and property shall not apply to United States nationals performing security services in relation to military equipment required by United States law and regulations to be protected by persons who are United States nationals or other persons authorized by United States law and regulations.

Article 10 Motor Vehicles

1. The authorities of the Republic of Poland shall honor the registration and licensing by United States military and civilian authorities of motor vehicles and trailers of United States forces, United States contractors and United States contractor employees, members of the force and the civilian component, and dependents. Non-tactical vehicles (defined as such by United States forces) and trailers may be driven in the territory of the Republic of Poland for the duration of their temporary stay, provided that they are equipped with registration plates with registration numbers and the driver has on his/her person or in the vehicle a document issued by the competent authorities that confirms the registration of the vehicle and a valid technical inspection. Tactical vehicles (defined as such by United States forces) do not require registration plates, but will have appropriate markings and documentation. Details as to appropriate documentation and proof of valid technical inspection may be specified in an implementing arrangement to this Agreement.

2. Upon the request of United States military authorities, appropriate authorities of the Republic of Poland shall register and issue Polish registration plates and registration certificates for United States forces' official, non-tactical vehicles, and for private vehicles of the members of the force and the civilian component, and dependents in accordance with relevant provisions of the law of the Republic of Poland and agreed technical exemptions. Vehicles of United States contractors and United States contractor employees also may be registered by the appropriate authorities of the Republic of Poland by the same method. A nominal fee to defray administrative costs may be assessed for the registration. The costs of any technical inspection conducted in the Republic of Poland shall be the responsibility of the vehicle owner. Vehicle registration procedures and the list of technical exemptions may be specified in an implementing arrangement to this Agreement.

3. United States military authorities shall provide for the safety of any motor vehicles and trailers registered and licensed by them or used by United States forces in the territory of the Republic of Poland.

4. It is the duty of members of the force and the civilian component, United States contractors, United States contractor employees, and dependents to obey the law of the Republic of Poland regarding auto liability insurance coverage for their private motor vehicles while in the territory of the Republic of Poland. Official vehicles are self-insured by the United States and may be used only for official purposes as defined in the law of the United States.

5. Official vehicles, trailers and semi-trailers of United States forces shall be accorded treatment equal to official vehicles of the Armed Forces of the Republic of Poland in respect to the payment for the use of roads. Should the Republic of Poland assess road tolls on its Armed Forces in the future, the Parties or their designees shall consult concerning the impact of the change on United States forces.

6. The competent authorities of the Republic of Poland shall maintain a registry of vehicles, trailers, and semi-trailers of United States forces and United States contractors. The registry shall include only vehicles, trailers, and semi-trailers that are staying in the territory of the Republic of Poland for more than 21 days. The military authorities of the United States shall promptly transmit information about such vehicles, trailers, and semi-trailers to the competent authorities of the Republic of Poland. Such information may be specified in an implementing arrangement.

Article 11

Driving Licenses

1. Authorities of the Republic of Poland shall honor a license or other permit empowering the holder to operate official vehicles, vessels, or aircraft of the force, issued to a member of the force or the civilian component or United States contractor employee by United States military authorities.

2. The authorities of the Republic of Poland shall honor driving licenses issued by United States military and civilian authorities for the operation of private motor vehicles by members of the force and the civilian component if United States military authorities have determined that, in addition to fitness to operate a motor vehicle, applicants possess adequate knowledge of road traffic regulations of the Republic of Poland. After having passed an examination on the command of the Polish road traffic regulations, dependents holding a driving license valid in the territory of the United States may drive private motor vehicles in the territory of the Republic of Poland on the basis of a bilingual document issued by military authorities of the United States certifying entitlement to drive motor vehicles. Such a document may be issued to a dependent who is an adult according to Polish regulations, for the period of stationing in the territory of the Republic of Poland of the sponsoring member of the force or the civilian component, and the validity of the document shall be limited to the territory of the Republic of Poland. The form of the document, the conditions of the examination and its scope shall be specified in an implementing arrangement to this Agreement.

3. United States contractor employees may drive private motor vehicles in the territory of the Republic of Poland using an international driving permit and a valid driving license issued by competent authorities of the United States, for a period not longer than 6 months following the date of their arrival in the Republic of Poland. Dependents and United States contractor employees may apply for a Polish driving license on the basis of regulations binding in the territory of the Republic of Poland. The authorities of the Republic of Poland shall recognize driving licenses issued by Member States of the European Union.

4. United States military authorities on their own initiative or at the request of the authorities of the Republic of Poland may withdraw driving privileges from members of the force and, to the extent of their capability, from members of the civilian component, if there is reasonable doubt concerning such individuals' reliability or fitness to operate a motor vehicle. United States military authorities shall notify the authorities of the Republic of Poland of all withdrawals made in accordance with this paragraph and of all cases where, after such withdrawal, driving privileges have been reinstated.

5. In cases where courts of the Republic of Poland exercise jurisdiction pursuant to Article VII of the NATO SOFA and Article 13 of this Agreement over offenses involving the operation of motor vehicles, and in cases where other authorities of the Republic of Poland are entitled to take measures in relation to such offenses, decisions of the competent authorities of the Republic of Poland suspending or revoking driving privileges shall apply with respect to driving licenses referred to in this Article.

Article 12

Movement of Aircraft, Vessels and Vehicles

1. With respect for the relevant rules of land and maritime safety and movement, on approval of the authorities of the Republic of Poland granted in accordance with established procedures, vessels and vehicles operated by or exclusively for United States forces may enter, exit, and move within the territory of the Republic of Poland. With respect for the relevant rules of air safety and navigation, on approval of the authorities of the Republic of Poland granted in accordance with established procedures, United States Government aircraft and civil aircraft that are at the time operating exclusively under contract to the United States Department of Defense are authorized to over-fly, conduct aerial refueling, land and take off within the territory of the Republic of Poland. United States Government aircraft, vessels and vehicles shall be free from boarding or inspection without the consent of United States authorities.
2. Military aircraft, naval vessels, transport vessels, and specialized vessels used by United States forces that are in compliance with their own or international design, workmanship and equipment standards, but that are not in compliance with the standards in force in the Republic of Poland, may be operated in the territory of the Republic of Poland only after consultation with competent authorities of the Republic of Poland.
3. Aircraft described in paragraph 1 of this Article shall not be subject to payment of navigation fees or any similar charges for flights under this Agreement and shall not be subject to payment of landing and parking fees at government owned and operated facilities in the territory of the Republic of Poland. Procedures for designating flights under this Article shall be specified in an implementing arrangement. Vessels described in paragraph 1 of this Article shall not be subject to payment of pilotage fees, harbor fees, lighterage charges, or similar charges at government owned and operated ports within the territory of the Republic of Poland. Except as provided in Article 27 of this Agreement, United States forces shall pay standard commercial rates for services requested and received less taxes in accordance with Article 18 of this Agreement.
4. For the purpose of this Agreement and to ensure safety of air traffic and of maritime and inland waters navigation, United States military authorities shall coordinate with the competent authorities of the Republic of Poland the terms and conditions for the operations of all systems for controlling air traffic and maritime and inland waters traffic, as well as related communications systems they install and operate.
5. Use of the rail systems in the Republic of Poland shall be in accordance with arrangements between the railroad companies and United States forces. If requested by United States forces, the military authorities of the Republic of Poland shall assist in making such arrangements.
6. The movement of tracked vehicles outside of firing ranges and constructions sites shall generally be conducted by railroad transportation or, if necessary, on suitable trailers. The movement of tracked vehicles on public streets and roads without the use of rubber track shoes shall be prohibited.
7. Hazardous substances and hazardous waste shall be transported in accordance with agreed NATO standards. The competent authorities of the Parties shall agree upon methods and routes for transporting arms, heavy equipment, hazardous substances, and hazardous waste within the territory of the Republic of Poland.

Article 13 **Criminal Jurisdiction**

1. The Republic of Poland recognizes the particular importance of United States military authorities' disciplinary control over members of the force and the effect that such control has on operational readiness. The competent authorities of the Republic of Poland, in accordance with Article VII, paragraph 3(c) of the NATO SOFA, shall give expeditious and sympathetic consideration to a request from United States military authorities to waive the Republic of Poland's primary right to exercise criminal jurisdiction. The authorities of the Republic of Poland will grant such requests except in cases of particular importance to the Republic of Poland.

2. The authorities of the Parties shall notify one another of each case that might be subject to concurrent jurisdiction. United States forces shall not be required to notify the authorities of the Republic of Poland of cases arising under Article VII, paragraph 3(a)(i) of the NATO SOFA.
3. A request by the United States for the authorities of the Republic of Poland to waive the primary right to exercise jurisdiction shall be submitted to the Minister of Justice of the Republic of Poland. A request by the Republic of Poland for the United States authorities to waive the primary right to exercise jurisdiction shall be submitted to the competent military authorities of the United States.
4. If within 30 days of the date of submission of the request for the waiver of jurisdiction the party receiving the request has not replied, the request shall be deemed granted. If the party receiving a request requests additional information, then the waiver will not be deemed granted until the information has been provided. If within 30 days of the date of receipt of the additional information the party receiving the request has not replied the request for waiver of jurisdiction shall be deemed granted. A request for additional information may be submitted only once.
5. In the event of dispute over the primary right to execute jurisdiction, the competent authorities of the Parties shall promptly consult in order to resolve the dispute. Joint determination of jurisdiction shall normally be made not later than 30 days after the date on which the consultation begins, unless the competent authorities of the Parties decide to extend this deadline by a specific period of time. Until these consultations are concluded, the Parties shall not bring the case to trial.
6. Whenever a member of the force or the civilian component or dependent is prosecuted by the authorities of the Republic of Poland, jurisdiction will be exercised by non-military courts of the Republic of Poland.
7. Members of the force or civilian component and their dependents shall not be tried in absentia, unless they have intentionally avoided appearance before the court after properly receiving notice of the date of trial, and they have improperly absented themselves from United States military authority.
8. United States forces shall assist the authorities of the Republic of Poland in obtaining the appearance before judicial authorities in the Republic of Poland of accused or suspected persons and witnesses who are members of the force or the civilian component or dependents at all proceedings where their presence is required.
9. The authorities of the Republic of Poland shall assist the United States in obtaining the appearance of persons who are not subject to the military law of the United States at all proceedings conducted by United States forces in the territory of the Republic of Poland where their presence is required.
10. Cooperation concerning assistance in the carrying out of all necessary investigations into offences, as referred to in Article VII, paragraph 6(a) of the NATO SOFA, shall be carried out, whenever possible, directly among the authorities responsible for conducting the requested activities. Appropriate authorities of the Parties may enter into agreements concerning details of cooperation. Upon request, appropriate authorities of one Party may participate in evidentiary activities conducted by the appropriate authorities of the other Party.
11. Members of the force or of the civilian component shall be exempt from payment of fines, penalties, or similar assessments imposed by the authorities of the Republic of Poland concerning the performance of official duty by such members.

Article 14
Determination of Criminal Jurisdiction in Official Duty Cases

1. For purposes of determining whether an alleged criminal offense has arisen out of any act or omission done in the performance of official duty by a member of the force or the civilian component under Article VII, paragraph 3(a)(ii) of the NATO SOFA, a certificate from the highest appropriate military authority of the United States in the Republic of Poland that the act or omission that may have given rise to the alleged offense was done in the performance of official duty shall constitute proof of the fact. The certificate shall include details explaining the basis for the determination that the alleged offence arose out of an act or omission done in performance of official duties. In those cases where the judicial authorities of the Republic of Poland believe the circumstances of the case require review of the official duty certificate, the authorities of the United States and of the Republic of Poland will consult immediately, but the authority of the Republic of Poland dealing with the case shall not bring the case to trial. During such consultation, the authorities of the Republic of Poland may present any information bearing on the validity of the official duty certificate and the United States authorities shall take full account of such information. The authorities of the Republic of Poland may require explanation and review of the certificate by senior United States military authorities.

2. "Official duty" means any duty, service or act required or authorized to be done by statute, regulation or the order of a military superior or of a member of the civilian component issued in his or her supervisory capacity. Official duty is not meant to include all acts done by an individual during the period while on duty, but is meant to apply only to acts that are required or authorized to be done as a function of that duty or service that the individual is performing.

Article 15 **Detention, Control and Access**

1. The authorities of the Parties shall assist each other in the arrest of members of the force or the civilian component or their dependents in the territory of the Republic of Poland and in handing them over to the authority which is to exercise jurisdiction.

2. In furtherance of Article VII, paragraph 6(a) of the NATO SOFA, in cases where the Republic of Poland may have the exclusive or primary right to exercise jurisdiction, the military authorities of the United States shall immediately inform the competent authorities of the Republic of Poland of a member of the force or of the civilian component or a dependent detained by the authorities of the United States.

3. The authorities of the Republic of Poland shall notify United States military authorities immediately when a member of the force or the civilian component, or a dependent is arrested or detained by such authorities. United States authorities shall have prompt access to any such individual, upon the request of the United States forces.

4. A United States forces' representative shall be permitted to be present during all proceedings, including interrogations, of such member or dependent by authorities of the Republic of Poland. The United States forces' representative may not participate in such interrogations or proceedings.

5. United States authorities shall not hinder the legal proceedings of the authorities of the Republic of Poland.

6. A member of the force or the civilian component, or dependent under investigation or pending trial by the authorities of the Republic of Poland shall remain under the control of United States authorities if the authorities of the United States so request until the conclusion of all related judicial proceedings. United States authorities shall assure the appearance of the member of the force or the civilian component, or dependent, before the authorities of the Republic of Poland in any proceedings that may require the presence of such person. Should a court of the Republic of Poland determine that pre-trial detention of a member of the force or the civilian component, or a dependent, is appropriate, notice of that determination and the grounds upon which it is based shall be transmitted to the competent United States authorities without delay. If United States

authorities desire to maintain control in such case, the United States shall take full consideration of the terms and conditions set forth in the notice from the authorities of the Republic of Poland in determining the preventive measures and degree of restraint to be imposed. In particular, United States authorities shall endeavor to follow the preventive measures and terms of detention imposed by the court of the Republic of Poland to the maximum extent permitted by applicable United States law and regulations. United States authorities shall not request control over a member of the force or the civilian component or dependent in those cases where United States authorities determine that they are not able to exercise preventive measures or degree of restraint sufficient to address the conditions as expressed in the order of the competent court of the Republic of Poland. In the event the judicial proceedings of the Republic of Poland are not completed within one year of their commencement United States authorities shall be relieved of any obligations under this paragraph but shall consult with the authorities of the Republic of Poland with a view toward extending the obligation or making the accused available to the authorities of the Republic of Poland. Thereafter any extension of the obligation shall be by mutual agreement of the Parties.

7. If pre-trial detention is canceled or other preventive measures are taken with respect to a member of the force, the civilian component, or dependent suspected of a crime for which the Republic of Poland exercises its right to jurisdiction, the individual shall be transferred to the control of United States forces.

8. When a member of the force or the civilian component, or a dependent has been convicted by a court of the Republic of Poland and an unsuspended sentence to confinement is adjudged, United States authorities may maintain control over the accused until the conclusion of all appellate proceedings and shall keep appropriate authorities of the Republic of Poland apprised of the accused's location.

9. Any period of time spent in confinement imposed by United States military authorities or by the authorities of the Republic of Poland shall be credited against any sentence eventually adjudged in the same case.

10. Except as otherwise agreed by the Parties, confinement imposed by a court of the Republic of Poland upon members of the force or the civilian component, or dependents, shall be served in penal institutions of the Republic of Poland agreed upon by the Parties. Upon coordination with appropriate authorities of the Republic of Poland, the authorities of the United States and families shall be permitted to visit such persons outside of regular visiting hours. In coordination with the authorities of the Republic of Poland, United States forces representatives and family members shall be permitted to provide such persons with assistance, including for their health, welfare and morale, such as clothing, food, bedding, medical and dental care, and religious counseling.

Article 16 **Discipline**

1. The military authorities of the United States shall be responsible for maintaining discipline among members of the force and the civilian component present in the territory of the Republic of Poland. Military authorities of the Republic of Poland shall not exercise military discipline over members of the force and the civilian component present in the territory of the Republic of Poland. Nothing in this Article, however, shall limit the enforcement of the law of the Republic of Poland by law enforcement authorities of the Republic of Poland.

2. In order to maintain discipline among members of the force, regularly constituted military units or formations of United States forces shall have the right to police agreed facilities and areas and to take all appropriate measures to ensure the maintenance of order and security on such premises. Where a portion of an agreed facility or area is jointly used with the Armed Forces of the Republic of Poland, the military authorities of the United States shall coordinate with the appropriate authorities of the Armed Forces of the Republic of Poland to establish cooperative procedures concerning the policing of those jointly-used agreed facilities or areas.

3. Outside agreed facilities and areas, United States forces military police shall be employed only subject to arrangements with the authorities of the Republic of Poland and in liaison with those authorities and in so far as such employment is necessary to maintain discipline and order among the members of the force. The Parties may agree to employ United States forces military police for other purposes as appropriate.

Article 17 **Claims**

1. Claims shall be filed, considered, and settled or adjudicated in accordance with Article VIII of the NATO SOFA.

2. The Parties shall consult on the most appropriate way to handle any other claim, including a claim by a third party, that is not covered by the NATO SOFA.

3. Claims arising out of acts or omissions of members of the force or the civilian component done in the performance of official duty, or out of any other act, omission or occurrence for which a force or civilian component is legally responsible, and causing damage in the territory of the Republic of Poland to third parties, other than the Parties, shall be filed, considered and settled or adjudicated in accordance with the law and regulations of the Republic of Poland with respect to claims arising from the activities of the Armed Forces of the Republic of Poland.

4. For purposes of determining whether potential civil liability has arisen out of any act or omission done in the performance of official duty by a member of the force or the civilian component under Article VIII of the NATO SOFA, certification by the United States forces claims office having cognizance of the claim that the act or omission that may have given rise to the claim was done in the performance of official duty shall constitute proof of the fact. In those cases where the authorities of the Republic of Poland believe the circumstances of the case require review of the official duty certificate, the authorities of the United States and the Republic of Poland shall consult immediately. During such consultation, the authorities of the Republic of Poland may present and request any information bearing on the validity of the official duty certificate and the United States authorities shall take full account of all information provided by the authorities of the Republic of Poland. The authorities of the Republic of Poland may request confirmation of the certificate from the next higher appropriate United States military authority.

5. As used in this Article, and Article VIII of the NATO SOFA, the term "civilian component" shall include all persons, regardless of their nationality or place of residence, who are United States employees acting in the performance of official duty as assigned by United States forces, but shall not include United States contractors, United States contractor employees, other contractors and their employees, and employees of non-commercial organizations, regardless of their nationality or place of residence.

6. The settlement or adjudication of claims shall be carried out by the competent authorities of the Parties established in accordance with the respective law of the Parties.

7. Members of the force and the civilian component, and dependents shall not suffer default judgments or actions prejudicial to their interests in civil proceedings, if their temporary absence in the court is duly justified, including by official duties or authorized absence.

8. In cases where the law of the Republic of Poland requires that compensation for damages be paid as a pension, this pension shall be subject to capitalization in accordance with the terms in force in the Republic of Poland. The agency of the United States shall pay the amount due within 12 weeks.

Article 18
Official Tax Exemptions

1. Goods imported by or for United States forces for their exclusive use as set out in paragraph 1 of Article 20 of this Agreement or for supplying their military service support activities as defined in Article 23 of this Agreement shall be exempt from Value Added Tax (VAT), excise, or any similar or successor taxes, provided that the imported goods are declared on the certificate described in Article XI, paragraph 4 of the NATO SOFA (currently Form 302) and United States forces is the consignee of such goods. The exemption shall be applied at the time of importation.
2. Goods and services acquired by or for United States forces for the purposes defined in paragraph 1 of this Article shall be exempt from VAT, excise, or any similar or successor taxes. The exemption shall be applied at the time of sale, if the transaction is confirmed by a document issued by United States forces that is submitted by United States forces to the appropriate tax authority of the Republic of Poland. Further, in the case of goods subject to excise tax, the time of sale exemption from excise tax shall be applied only if the goods are acquired from a tax warehouse and the transaction is confirmed by the document referenced above. In other cases the exemption shall be granted by reimbursement on a quarterly basis of the tax paid. The reimbursement shall be paid within 30 days after the tax authority of the Republic of Poland receives the request for such reimbursement.
3. United States forces shall provide to the competent authorities of the Republic of Poland an appropriate document certifying that the goods and services referred to in paragraphs 1 and 2 of this Article were consigned to, acquired by, or intended for the use of United States forces or for supplying their military service support activities.
4. Procedures and forms required for the exemptions set out in paragraphs 1 and 2 of this Article, as well as any applicable limitations on the quantity of goods, shall be set out in an implementing arrangement.
5. The provisions of the law of the Republic of Poland pertaining to the obligation of an employer or self-employed individual to withhold or prepay income taxes shall not be applicable to income exempt from taxation in the Republic of Poland under the terms of this Agreement.
6. The provisions of the law of the Republic of Poland pertaining to social security shall not be applicable to the salaries and emoluments of members of the force, the civilian component, United States contractors, and United States contractor employees who are United States citizens and are not normally resident in the Republic of Poland, European Union member states, or the European Free Trade Association states.

Article 19
Personal Tax Exemptions

1. With regard to taxation of income, provisions of the NATO SOFA, the Convention between the Government of the United States of America and the Government of the Polish People's Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income done at Washington on October 8, 1974, and domestic law in force in both states shall apply, unless this Article provides otherwise.
2. Income of a member of the force or of the civilian component or a dependent who is not a citizen of the Republic of Poland shall be exempt from taxation in the Republic of Poland provided that such income is derived from United States military service or United States government employment.
3. Income received by a member of the force or the civilian component, or a dependent who is not a citizen of the Republic of Poland, from employment with the non-commercial organizations notified to the Joint Commission established under Article 35 of this Agreement shall be exempt from taxation in the Republic of Poland.

4. Income of a member of the force or the civilian component, or a dependent, who is not a citizen of the Republic of Poland, shall be exempt from taxation in the Republic of Poland provided that such income is derived from sources outside the territory of the Republic of Poland.

5. Periods during which a dependent is accompanying the member of the force or the civilian component in the territory of the Republic of Poland shall not be considered as creating a change of residence or domicile for the purpose of determining one's tax residence under the law of the Republic of Poland.

6. Income or profits derived by a United States contractor, who if a natural person is a citizen of the United States or is ordinarily resident in the United States, or if a legal person is registered in the United States, solely from contracts with or for United States forces shall be exempt from taxation in the Republic of Poland.

7. Income, including salaries and other remuneration, received by the following persons solely under an employment contract with a United States contractor shall be exempt from taxation in the Republic of Poland:

a. United States contractor employees who are citizens of the United States or are ordinarily resident in the United States; and

b. dependents who are neither citizens of nor ordinarily resident in the Republic of Poland.

8. Periods during which a United States contractor in the meaning of paragraph 6 of this Article who is a natural person, or a United States contractor employee in the meaning of paragraph 7 of this Article, is present in the territory of the Republic of Poland solely under a contract with or for United States forces shall not be considered as periods of presence or as creating a change of residence or domicile for the purpose of taxation under the law of the Republic of Poland.

9. Except as provided in this paragraph, the acquisition of goods and services in the Polish market by members of the force and the civilian component, or dependents, for personal use, shall be subject to the applicable taxes in the Republic of Poland. Members of the force or of the civilian component or dependents, subject to paragraph 10, shall not be liable to pay any tax or similar fees on the ownership, possession, transfer amongst themselves, or transfer in connection with death of their tangible movable property imported into the territory of the Republic of Poland or acquired for their own personal use.

10. Motor vehicles owned solely for personal use by a member of the force or the civilian component, or dependents shall be exempt from taxes related to their ownership, possession, and use. Other motor vehicles are subject to taxation in accordance with the law applicable in the territory of the Republic of Poland. Use of private motor vehicles – irrespective of their type – is subject to tolls for the use of roads, bridges and tunnels paid by members of the general public.

11. Members of the force or the civilian component, or dependents shall not be liable to pay any tax or similar fees on possession and use in the territory of the Republic of Poland of sound or television broadcast receiving apparatus or internet capable devices.

Article 20 **Importation and Exportation for Official Purposes**

1. With reference to Article XI of the NATO SOFA, materiel, supplies, equipment and other property imported by United States forces or which are for the exclusive use by or for United States forces, including to supply military service support activities, or are to be consumed in the performance of a contract with or on behalf of United States forces or are to be incorporated into articles or facilities used by United States forces shall be

permitted entry into the territory of the Republic of Poland. Such entry shall be free from customs duties. The Parties shall cooperate as may be necessary to ensure that the quantities of materiel, supplies, equipment and other property imported are reasonable. United States forces shall provide the appropriate authorities of the Republic of Poland an appropriate certification that such materiel, supplies, equipment and other property are being imported by United States forces or, in the case such imports are for exclusive use by United States forces or are to be consumed in the performance of a contract with or on behalf of United States forces or are to be incorporated into articles or facilities used by United States forces, that the materiel, supplies, equipment or other property are being imported on behalf of United States forces.

2. Tax exemptions applying to imports under this Article are set out in Article 18 of this Agreement.

3. The exportation from the territory of the Republic of Poland by United States forces of the materiel, supplies, equipment and other property referred to in paragraph 1 of this Article shall be exempt from export customs duties.

4. United States forces shall require that contractors be obligated to use the goods imported under the terms of this Article exclusively for the execution of United States forces' contracts.

5. Deposit of the certificate provided for in Article XI, paragraph 4 of the NATO SOFA shall be accepted by the customs authorities of the Republic of Poland as customs declaration of the goods imported or exported by or for United States forces under this Article. Any inspection shall take place expeditiously.

Article 21

Personal Importation and Exportation

1. Members of the force and the civilian component, dependents, and United States contractor employees may import their personal effects and furniture, and one private automobile per person 18 years or older, and other means of transport as set out in an implementing arrangement, free of customs duties and taxes at the time of their first arrival and, in principle, during a period of 12 months from the date of the arrival of the person in the territory of the Republic of Poland. Exceptions to the 12-month rule may be granted by the authorities of the Republic of Poland within the framework of appropriate law in force in the Republic of Poland. Such imports may not exceed reasonable amounts for personal use and must not indicate, by its nature or quantity, that the goods are being imported for commercial reasons. The property shall be listed in a document for the purpose of its identification as personal effects. This document shall be submitted to customs authorities of the Republic of Poland.

2. Members of the force and the civilian component, dependents, and United States contractor employees may import through the military post office other goods intended for their personal or domestic use or consumption free of customs duty and taxes during their assignment in the territory of the Republic of Poland. This privilege shall apply not only to goods which are the property of such persons but also to goods sent to them by way of gift or delivered to them in fulfillment of contracts concluded with a person or persons not domiciled in the territory of the Republic of Poland. Such imports shall not exceed reasonable amounts for personal use and must not indicate, by its nature or quantity, that the goods are being imported for commercial reasons. Alcohol products, tobacco and tobacco products shall not be imported through the military post office.

3. Tax and duty-free importation under paragraph 1 of this Article does not include means of transport to be used for commercial purposes. Tax and duty free importation of alcohol products, tobacco and tobacco products under paragraph 1 of this Article shall be subject to limitation mutually agreed between United States forces and the authorities of the Republic of Poland in an implementing arrangement respectful of the law of Republic of Poland.

4. The property referred to in paragraph 1 of this Article and other goods acquired free of taxes and/or duties may not be sold or otherwise transferred to persons in the territory of the Republic of Poland not entitled to import such property duty free, unless such transfer is agreed upon by the appropriate authorities of the Republic of Poland. Payment of customs duties and any taxes due as the result of such transactions shall be the responsibility of the recipient of such property or other goods. Transfers of duty-free goods taking place between members of the force and the civilian component, and dependents, as well as United States contractor employees are not subject to customs duties and taxes. Such transfer is also permissible in the form of gifts to charitable organizations entitled by the appropriate authorities of the Republic of Poland to receive such goods with customs duties exemption. Means of transport may not be transferred to such organizations free of customs duties and taxes.

5. The authorities of the Republic of Poland shall accept duly filed police reports as prima facie evidence that tax and duty-free property of members of the force and the civilian component, dependents, and United States contractor employees has been stolen or lost, which shall relieve the individuals of any liability for payment of the tax or customs duties. United States forces shall be responsible for maintaining records of the theft or loss of tax or duty-free goods specified in an implementing arrangement, and also records of transfer of such goods. Such records shall be accepted by the authorities of the Republic of Poland as proof of these transfers. The type and scope of the records shall be set out in the implementing arrangement.

6. Members of the force and the civilian component, dependents, and United States contractor employees may export and/or re-export, free of customs duties or charges, any goods acquired by them during their period of duty in the territory of the Republic of Poland or imported by them into the territory of the Republic of Poland. Export of articles acquired by them during their period of duty in the territory of the Republic of Poland shall be subject to the law of the Republic of Poland. However, no customs duties and taxes shall be levied on such exports.

Article 22

Customs Procedures

1. The authorities of the Republic of Poland shall ensure the smooth and rapid clearance of imports and exports contemplated under this Agreement, pursuant to Article XI of the NATO SOFA.

2. Customs controls and clearance in accordance with Article XI of the NATO SOFA and this Agreement shall be implemented through procedures mutually agreed between the appropriate authorities of United States forces and the Republic of Poland. Any customs inspection by the customs authorities of the Republic of Poland of incoming or outgoing personal property of members of the force and the civilian component, or dependents shall be conducted when the property is delivered to or picked up from the individual's residence.

3. United States forces classified information may be imported into and exported from the Republic of Poland without being subjected to a customs inspection. United States forces classified information shall be appropriately marked and shall be certified as such by the appropriate United States forces authority. Before releasing United States forces classified information for import or export, the customs authorities of the Republic of Poland may request the highest United States military authority in the Republic of Poland to review such certification. Details of procedures shall be set forth in an implementing arrangement.

4. United States military authorities shall establish appropriate measures to prevent abuses of the rights granted under the NATO SOFA and this Agreement. United States military authorities and the authorities of the Republic of Poland shall cooperate in the prevention, detection, and resolution of any customs violations.

Article 23

Military Service Support Activities

1. With prior notification to the Executive Agent of the Republic of Poland, United States forces may, within agreed facilities and areas, establish, maintain and operate military service support activities solely for use by members of the force and the civilian component, dependents, and other authorized personnel as mutually agreed in an implementing arrangement, and may construct, furnish, maintain, and operate them directly or through a contract. Military service support activities may include: retail stores, such as military service exchanges and commissaries; open messes; social and educational centers; and recreational service areas. Subject to the provisions of Articles 7 and 9 of this Agreement, the authorities of the Republic of Poland shall not require United States forces to obtain permits and licenses to establish, maintain, and operate such activities.
2. Military service support activities are integral parts of United States forces and shall be accorded the fiscal and customs exemptions granted to United States forces, including those provided in Articles 18 and 20 of this Agreement. Such military service support activities shall be established, maintained, operated and controlled in accordance with applicable United States regulations. United States forces shall not be required to collect or pay taxes or other similar charges for activities related to the operation of the military service support activities.
3. The United States military authorities, in cooperation with the authorities of the Republic of Poland, shall adopt appropriate measures to prevent the sale of goods and property imported into or acquired in the territory of the Republic of Poland to persons who are not authorized to patronize such military service support activities. Limitations on the purchase by individual patrons of goods imported or acquired with exemption from taxes and customs duties may be established. These limitations may include alcohol products, tobacco products, gasoline and items of significant value.

Article 24

Financial Institutions

1. United States forces may enter into contracts with financial institutions to maintain and operate Community Bank or Credit Unions or their successors, established by United States forces, to provide basic retail banking services in the Republic of Poland for the exclusive use of the members of the force and the civilian component and dependents, and of those United States contractor employees and United States contractors who are individuals and who are nationals of the United States or are ordinarily resident in the United States. On the request of either party basic retail banking services shall be specified in an implementing arrangement. Community Bank and Credit Unions are military service support activities; however, patronage is limited to the persons listed in this paragraph.
2. Prior to commencement of operation of Community Bank or Credit Unions or their successors, United States forces shall notify the authorities of the Republic of Poland of the scope of basic retail banking services to be provided, and shall promptly report any change of that scope.
3. Community Bank or Credit Unions or their successors mentioned in paragraph 1 of this Article may be established, maintained, and operated solely within agreed facilities and areas and other mutually agreed locations.
4. Provisions of this Article do not prejudice the right of United States forces and their designated representatives and authorized patrons referred to in paragraph 1 of this Article to open and use bank accounts in accordance with the law of the Republic of Poland.
5. Financial institutions mentioned in paragraph 1 of this Article shall comply with procedures concerning customer due diligence, transaction monitoring, and reporting

designed to counteract money laundering and terrorism financing in accordance with international norms. Specific procedures may be set forth in an implementing arrangement.

6. Community Bank and Credit Unions or their successors mentioned in paragraph 1 of this Article shall be established and operated in accordance with applicable United States regulations and shall be supervised by relevant United States authorities. The authorities of the Republic of Poland are not liable for activities conducted under this Article.

7. United States authorities shall ensure that the financial institutions referred to in paragraph 1 of this Article observe the provisions of this Article.

Article 25 **Military Postal Services**

1. The United States may establish, maintain and operate military post offices for the purpose of collection, transportation and delivery of postal items and provisions of related postal services exclusively for use by United States forces, members of the force and the civilian component, United States contractors, United States contractor employees, dependents and retirees of United States forces. Importation of goods through military post offices is limited to those persons authorized to import goods free of duty and tax and within the limitations established in accordance with paragraph 2 of Article 21 of this Agreement.

2. Items posted at military post offices may bear stamps of the United States.

3. Military post offices shall enable the customs authorities of the Republic of Poland to conduct inspections of mail in military post offices. Such inspections shall be conducted at military post offices in a manner which will avoid damage to the contents of the packages and not impede the delivery of the mail. If goods are detected that are contraband or are outside the limitations established for importation through the military post offices, such goods shall be subject to being returned to the sender or, in appropriate cases, to be seized by law enforcement agents or customs officials of the Republic of Poland.

4. Official mail shall not be subject to customs inspection by authorities of the Republic of Poland. In case of any doubts concerning the official character of a particular item of mail, clarification shall be given to the authorities of the Republic of Poland on request. If the authorities of the Republic of Poland desire that a particular item of official mail be inspected, the inspection shall be carried out in the presence of the customs officials of the Republic of Poland, and, if so requested by the official of the Republic of Poland, the item shall be opened for inspection. If unclassified non-documentary material is discovered, authorities of the Republic of Poland shall have the right upon request to take samples as may be reasonably necessary for testing.

Article 26 **Telecommunication**

1. Telecommunication equipment of United States forces operated in the territory of the Republic of Poland shall meet the environmental and safety standards stipulated by the law of the Republic of Poland. Equipment not meeting these requirements may be used following consultation with the appropriate authorities of the Republic of Poland to establish technical or organizational solutions which effectively ensure that departure from standards stipulated by the law of the Republic of Poland will not endanger human health and safety.

2. United States forces shall be allowed to operate their own telecommunication systems (as the term 'telecommunication' is defined in the Constitution and the Convention of the International Telecommunication Union, done at Geneva on December 22, 1992). This shall include the right to utilize such means and services as required to ensure full ability

to operate telecommunication systems, and the right to use, free of charge, only radio frequencies that have been assigned to them by the competent military authorities of the Republic of Poland internationally referred to as National Radio Frequency Agency Poland (NARFA POL). Operational use of radio electronic equipment in the territory of the Republic of Poland shall be preceded by the frequency supportability procedure.

3. United States forces and contractors shall take all necessary and appropriate measures to prevent the occurrence of electromagnetic disturbances from their operating equipment.

4. In the event the equipment of United States forces or contractors causes interference with the operation of equipment in the territory of the Republic of Poland or outside its territory, the competent authorities of the Republic of Poland shall act pursuant to the Constitution and the Convention of the International Telecommunication Union, done at Geneva on December 22, 1992 and the relevant law of the Republic of Poland. If necessary, pursuant to such regulations, United States forces or contractors shall promptly eliminate such interference.

Article 27

Logistical Support and Utilities

1. The Republic of Poland shall use its best efforts considering its internal national requirements and available capabilities to provide to United States forces in the territory of the Republic of Poland, the following logistics support:

- a. accommodations;
- b. maintenance and repair services, including storage;
- c. water, potable and non-potable, including distribution and storage;
- d. food, perishable and non-perishable;
- e. fuel, including storage, distribution and quality control services;
- f. land, sea and air transportation services;
- g. utilities and services, including power and communications;
- h. medical support and services;
- i. air service for aircraft and cargo; and
- j. other appropriate support as mutually agreed.

2. United States forces shall pay for logistics support requested and received. In this regard, the Republic of Poland shall accord to United States forces treatment no less favorable than is accorded to the Armed Forces of the Republic of Poland, including charging United States forces rates no less favorable than those paid by the Armed Forces of the Republic of Poland for similar support less taxes, in accordance with Article 18 of this Agreement.

3. As appropriate, such logistics support shall be provided and reimbursement made in accordance with the Acquisition and Cross-Servicing Agreement Between the Department of Defense of the United States of America and the Ministry of National Defense of the Republic of Poland done at Warsaw on November 22, 1996, or successor agreements.

4. The Republic of Poland shall use its best efforts to arrange that United States forces and contractors working or living in agreed facilities and areas may use water, electricity,

and other public utilities on terms and conditions, including rates or charges, no less favorable than those available to the Armed Forces or Government of the Republic of Poland for similar support less taxes in accordance with Article 18 of this Agreement, unless otherwise agreed. United States forces' costs will be equal to their proportionate share of the cost of such utilities.

5. The scope of the logistical support provided to United States forces by the competent military authorities of the Republic of Poland in connection with military exercises of United States forces within the territory of the Republic of Poland shall be determined by the agreements referred to in Article 6, paragraph 3 of this Agreement.

Article 28 **Currency**

1. United States forces shall have the right to import and export United States currency or instruments denominated in the currency of the United States in any amount but shall provide to the appropriate authorities of the Republic of Poland cash declarations on such imports and exports to the degree required by the law of the Republic of Poland for similar importations and exportations. United States forces, members of the force and the civilian component, and dependents may use United States currency or instruments denominated in the currency of the United States for transactions *inter se* in the territory of the Republic of Poland. United States forces may also use United States currency or instruments denominated in the currency of the United States in any transaction where the counterparty is willing to accept them.

2. Members of the force and the civilian component, and dependents may import United States currency and instruments denominated in currency of the United States as well as currency otherwise permitted to be imported by the law of the Republic of Poland, and export any currency and instruments denominated in any such currency, provided that such member or dependent has either imported such currency or instruments or received such currency or instruments from United States military authorities. Such imports and exports shall be subject to applicable reporting and control requirements of the Republic of Poland

3. United States military authorities shall, in cooperation with the authorities of the Republic of Poland, take appropriate measures in order to prevent any abuse of the rights granted under this Article and to safeguard the system of foreign exchange regulations and the anti-money laundering and counter terrorism financing legal regime of the Republic of Poland insofar as they apply to personnel and financial services covered by this Agreement.

4. United States military authorities may distribute to or exchange for members of the force and the civilian component, and dependents currency of, and instruments denominated in the currency of:

- a. the United States;
- b. the Republic of Poland;
- c. the Euro zone; and
- d. any other country, to the extent required for the purpose of authorized travel, including travel on leave.

Article 29 **Security**

1. Unless otherwise agreed, in accordance with Article VII, paragraph 11 of the NATO SOFA, the Republic of Poland shall take such measures as are necessary to ensure the adequate security and protection of the agreed facilities and areas where United States

forces are located. Security measures taken by the competent authorities of the Republic of Poland with respect to agreed facilities and areas used occupied by United States forces shall depend on available capabilities. The competent authorities of the Parties shall closely cooperate in all matters related to security and protection.

2. Upon request of either Party and with the consent of the appropriate authorities of the Republic of Poland, United States military authorities may operate outside of the agreed facilities and areas in order to ensure security of United States forces and dependents. During such operations, United States military authorities shall use clear identification of their special status, and they shall immediately contact the appropriate authorities of the Republic of Poland and shall act consistent with their instructions.

3. If property of United States forces is stolen, lost, or taken illegally, the Republic of Poland shall take all reasonable measures to assist the United States to regain possession of said property.

Article 30

Environment and Safety

1. The Parties agree to implement this Agreement in a manner consistent with the protection of the natural environment of the Republic of Poland and human health and safety and to pursue a preventative rather than reactive approach to environmental protection. To this end, the Parties shall cooperate to ensure problems that may arise are dealt with immediately in order to prevent any lasting damage to the environment or endangerment of human health and safety. The United States shall respect the relevant law of the Republic of Poland concerning environmental protection. The competent authorities of the Parties shall cooperate in all matters relating to environmental protection.

2. United States forces shall, as a rule, dispose of United States unexpended ordnance outside the territory of the Republic of Poland. Demilitarization of United States unexpended ordnance may occur in the territory of the Republic of Poland only if necessary. Demilitarization of such ordnance by detonation or by burning in locations not designed for such demilitarization is prohibited, except in the case where it is damaged and creates an emergency on an agreed facility or area which requires immediate action to ensure public safety. In such event, the United States shall make every effort to obtain the agreement of the appropriate authorities of the Republic of Poland before taking any action. Should damaged unexpended ordnance not be located on an agreed facility or area, or should there be no emergency, the United States shall immediately notify the appropriate authorities of the Republic of Poland of the need for the Republic of Poland to take action to ensure public safety. In such case, the United States shall take no further action other than to secure such ordnance consistently with the circumstances and its limited authority, until the Republic of Poland agrees to a proposed action by the United States or the Republic of Poland takes action to deal with such ordnance. The United States shall, if it discovers non-United States unexploded ordnance on an agreed facility or area, immediately secure the location and notify the appropriate authorities of the Republic of Poland. The Republic of Poland shall then promptly remove or otherwise render the item harmless.

3. The competent military authorities of the United States shall inform members of the force and the civilian component, dependents, and United States contractors who will be staying in the territory of the Republic of Poland of the Republic of Poland's environmental protection law, including the provisions of this Agreement. The Parties agree to consult to ensure educational materials accurately reflect the Republic of Poland's environmental protection law.

4. The United States shall respect the law of the Republic of Poland concerning the use of the environment. Details regarding applicable environmental fees and their payment shall be set out in an implementing arrangement.

5. The Parties shall fully cooperate in the timely exchange of all relevant existing information concerning environmental and health protection at a site used by the United States. The environmental standards applied by the United States shall accurately reflect the more protective of United States, Republic of Poland, or applicable international agreement standards. To that end, during the development and periodic review of environmental standards, the Parties will cooperate and consult to ensure that Republic of Poland standards are accurately reflected or that the United States standards and those in any applicable international agreement provide for the protection which is at least equal to standards of the Republic of Poland.

6. United States forces' non-tactical vehicles and administrative type vehicles shall use only those fuels, lubricants, and additives that meet the standards for use within the Republic of Poland, and are utilized by the Armed Forces of the Republic of Poland in similar vehicles. For tactical vehicles, the United States shall use fuels, lubricants, and additives meeting NATO standards, but shall strive to use the most environmentally friendly fuels, lubricants, and additives that do not endanger personnel safety, vehicle operation, or otherwise compromise mission performance. The United States will inform the Republic of Poland annually of the specifications of the fuels, lubricants, and additives used within the Republic of Poland.

7. The United States shall not intentionally release any hazardous waste or hazardous materials owned by it, and, if a spill occurs, will expeditiously take actions in accordance with procedures consistent with applicable agreements in order to contain the environmental contamination resulting from the spill. The United States shall promptly inform the appropriate authorities of the Republic of Poland of the incident and the actions taken. If the incident occurs outside of the agreed facilities or areas, such actions shall be coordinated with appropriate authorities of the Republic of Poland. The United States, in agreement with the Republic of Poland, shall return the area to a condition suitable for its intended use prior to the incident.

8. Prior to initial long-term use of a site, the United States shall prepare an environmental baseline study for the site. The Republic of Poland shall provide available information concerning such a site and otherwise cooperate in enabling the United States to prepare a mutually agreed and accurate study of the condition of the site. Which specific sites require an environmental baseline study shall be determined using procedures contained in an implementing arrangement. Provisions of this paragraph shall not apply to temporary use of the site for the purpose of installing movable military equipment.

9. The United States shall not be responsible for the unintentional release of any pre-existing hazardous wastes, hazardous materials, or contamination.

10. Prior to starting works that either Party has reason to believe could result in the release of pre-existing environmental contamination, hazardous waste, or hazardous substances, the United States shall consult with the Republic of Poland on the scope of work to be conducted and the technologies to be utilized. The United States shall utilize technologies that protect, to the maximum extent reasonable, against the release of such pre-existing contamination.

11. If the United States has to remove or contain pre-existing hazardous wastes, hazardous materials, or contamination, due to the Republic of Poland not addressing such waste, materials or contamination, the cost to the United States of such removal or containment shall constitute a credit against any claim arising from damage to the environment for which the United States is responsible under Article 17 of this Agreement.

12. The United States shall provide to the Republic of Poland data and information in its possession to allow the competent authorities of the Republic of Poland to carry out regular measurements and observations at a site necessary to enable the Republic of Poland to manage its environmental programs, monitor the current condition of the environment, and monitor implementation of environmental, health, and safety standards. Subject to the access provisions of any site-specific agreement, the competent authorities of the Republic of Poland shall take any measures provided for by the law of the

Republic of Poland to monitor the state of the environment and use of the environment by the United States.

13. Should the monitoring or observations of the competent authorities of the Republic of Poland indicate any apparent violations of applicable environmental, health, or safety standards by or due to the activities of the United States in the Republic of Poland, the Republic of Poland shall inform the United States of such apparent violation. The United States shall advise the Republic of Poland as to what corrective measures it intends to take. The Republic of Poland will then advise the United States if it does not believe the proposed corrective measures are sufficient. If the United States judges that a violation has not occurred or the Parties cannot agree on the necessary corrective measures, the Parties shall consult to resolve the disagreement. The Republic of Poland may, if it believes the continuation of an action by the United States will cause immediate and irreparable harm to the environment or to public safety, ask the United States to suspend the action until the Parties can resolve any disagreement. The United States will honor any such request from the Republic of Poland unless doing so would prevent performance of a key mission or endanger the safety of members of the force and the civilian component, or dependents, in which case it will notify the Republic of Poland that it cannot honor the request.

14. The Republic of Poland shall promptly undertake to inform the United States about potential environmental, health, and safety emergencies arising within the Republic of Poland from sources other than the United States that may affect the health and welfare of members of the force and the civilian component, and dependents, or its authorized activities, and take prompt action to respond to such emergencies, advising the United States of the actions to be taken. The United States shall promptly undertake to inform the Republic of Poland about potential environmental, health, and safety emergencies arising from its activities within the Republic of Poland and take prompt action to respond to such emergencies, advising the Republic of Poland of the actions to be taken.

15. Specific processes to ensure the timely application of the provisions of this Article will be addressed in an implementing arrangement between the Parties. Those processes will be designed to avoid administrative delay that would result in greater environmental damage or increased health or safety threats.

16. As may be necessary for the environmentally sound management of hazardous wastes, United States forces shall provide all information required under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal done at Basel on March 22, 1989 (the "Basel Convention"), and other provisions of international and European Union law to which the Republic of Poland is a Party and is obligated to comply, for the transboundary movement of hazardous wastes. The Republic of Poland shall designate an entity to act on behalf of United States forces as the competent authority for the purpose of required notifications or agreements under the Basel Convention.

Article 31 Healthcare

1. The Parties agree to implement this Agreement in a manner consistent with the protection of public health. The United States shall respect the relevant law of the Republic of Poland concerning public health while ensuring due regard for the health of members of the force and the civilian component, dependents, and United States contractor employees. The Parties agree to pursue a preventative rather than reactive approach towards communicable human, animal, and plant diseases. The competent authorities of the Parties shall cooperate in matters relating to public health of both Parties. Both Parties shall cooperate promptly and inform each other as to specific procedures and practices governing medical conduct in the event of outbreaks of contagious human or animal diseases that threaten public health in order to ensure the safety of both United States personnel and citizens of the Republic of Poland.

2. Members of the force shall receive appropriate health examinations prior to reporting for duty in the Republic of Poland. Members of the civilian component, dependents, and United States contractor employees shall be encouraged to have health examinations prior to arrival in the Republic of Poland. In the event that the World Health Organization declares an epidemic or pandemic in a country from which a member of the civilian component or United States contractor employee departs for the Republic of Poland, such member of the civilian component or United States contractor employee shall receive an appropriate health examination prior to entry into the territory of the Republic of Poland.

3. Members of the force and the civilian component, dependents, and United States contractor employees may receive health care at public health care facilities located in the Republic of Poland. In such cases, the authorities of the Republic of Poland will assist such persons with the medical documentation required for health insurance claims reimbursement. Costs related to this health care will be the responsibility of the recipient of the services, with no requirement to pay in advance upon presentation of proof of health insurance.

Article 32 Contracting Procedures

1. United States forces may enter into and execute contracts for the acquisition of goods and services, including construction, in the territory of the Republic of Poland. United States forces may procure from any source. Such procurement shall be in accordance with United States law.

2. United States forces shall inform prospective contractors concerning the application of United States law relating to contracting.

3. The United States shall publicize information to prospective contractors in the territory of the Republic of Poland concerning planned procurements to be executed in the territory of the Republic of Poland, to the maximum extent feasible and to the same extent provided to prospective contractors within the United States.

4. United States forces shall utilize Polish natural persons and legal entities as suppliers of goods and services to the extent feasible for the performance of a contract when the bids of such suppliers are competitive and constitute the best value.

5. To the extent permissible, United States forces shall accord to contractors who are citizens of the Republic of Poland and are registered legal entities in the territory of the Republic of Poland treatment no less favorable than that accorded to contractors who are not citizens of the Republic of Poland and legal entities not registered in the Republic of Poland.

6. The authorities of the Republic of Poland shall accord to United States forces treatment in regard to the procurement of goods and services no less favorable than that accorded to the Armed Forces of the Republic of Poland.

Article 33 Status of Contractors

1. Upon award of a contract by or on behalf of United States forces, if the contract is awarded to a United States contractor, United States military authorities shall notify the Republic of Poland of this fact through the Joint Commission. United States military authorities shall also provide through the same channel a certification that identifies the United States contractor and United States contractor employees on that contract, and specifies the expected duration of the contract. Changes in information covered by the certification shall be notified. The contents of such certification, the time frame for submission of such certification and its supplements shall be agreed upon in an implementing arrangement.

2. Authorities of the Republic of Poland shall permit United States contractors and United States contractor employees to enter and stay in the territory of the Republic of Poland for a period of time necessary for the performance of their contracts. United States contractors who are individuals and United States contractor employees may be accompanied by their dependents if permitted by the law of the Republic of Poland. If visas are required for United States contractors, United States contractor employees and their dependents, the Republic of Poland shall issue or deny them expeditiously.

3. United States contractors and United States contractor employees shall have the right to provide work or services in the territory of the Republic of Poland, provided they have appropriate certification confirming their status. The authorities of the Republic of Poland shall not require United States contractors or United States contractor employees to obtain a work permit required by the law of the Republic of Poland.

4. Except as provided in Articles 7 and 9 of this Agreement, United States contractors shall be exempt from the obligation to register and obtain permission to conduct activities relating to the provision of goods and services to United States forces in the territory of the Republic of Poland. Registration shall be required only for the purpose of tax and customs identification. This registration shall not be considered "registration" as that term is used in Article 2, paragraph f of this Agreement.

5. Taxation of United States contractors and United States contractor employees shall be in accordance with Article 19 of this Agreement.

6. The rights of United States contractors and United States contractor employees arising under this Agreement shall not apply to contracts other than those relating to goods and services provided under contracts or subcontracts with or for United States forces.

7. Contractors and contractor employees shall be allowed access to facilities to which access is controlled by the authorities of the Republic of Poland to the extent required to allow them to go to and from agreed facilities and areas where their presence is required for the performance of a contract. The access shall be granted within no more than 6 working days and, in exceptional circumstances, within no more than 3 working days, from the date of receiving the request. Such access may be denied, suspended, or withdrawn by United States military authorities or the authorities of the Republic of Poland for reasons of security or due to misconduct on the part of the contractor or contractor employee. If competent authorities of one Party deny, withdraw or suspend such access they shall state the reasons for their decision in writing to the competent authorities of the other Party. Contractors and contractor employees who have not received access but have not been denied access may be escorted, in agreement with the appropriate Polish commander or his or her designee, and after providing any necessary information, by a person authorized by the competent authorities of the Republic of Poland, if available, and by a member of the force or of the civilian component or a contractor designated by the United States authorities to and from the agreed facilities and areas where their presence is required for the performance of the contract through the facilities to which access is controlled by the competent authorities of the Republic of Poland. The scope of information and procedure for the request will be agreed upon in an implementing arrangement.

Article 34 **Labor**

1. United States forces may employ local civilian employees to perform its mission in the Republic of Poland, and shall determine the numbers, duties, qualifications and suitability of persons to be employed. United States forces may require that an employed person have no criminal conviction. The employment of local civilian employees will take place on the basis of a written employment contract.

2. United States forces may employ dependents without the dependent being required to possess a work permit.

3. United States forces shall establish administrative policies and procedures necessary for effective management, utilization, and supervision of local civilian employees in the Republic of Poland. The provisions of labor law applicable in the Republic of Poland shall be applied in order to establish the conditions of employment of local civilian employees, unless this Article provides otherwise, and with consideration for United States forces operational requirements.

4. Payment of social contributions, payment to the Labor Fund, and payment to the State Fund for Rehabilitation of Disabled Persons made by United States forces, and withholdings done by United States forces as employer, shall be in the amounts and according to the procedures applicable to Polish employers for the payment of such contributions and withholdings.

5. Whenever employing local civilian employees, United States forces shall withhold income taxes in amounts and according to the procedures applicable to Polish employers for such withholdings.

6. Establishment and modification of the job grading system, wages and benefits other than social contributions referred to in paragraph 4 of this Article, and supplementary payments paid to local civilian employees shall remain within the sole authority of United States forces, with due consideration given to provisions of the law of the Republic of Poland regarding the minimal remuneration for work.

7. Local civilian employees employed in the Republic of Poland by United States forces shall not have the right to strike.

8. United States forces may terminate the employment of local civilian employees in the Republic of Poland for disciplinary, performance, security or organizational reasons. If the termination of the employment contract is found by a competent court to be unjustified or contrary to the provisions applicable to the termination of the employment contract, the court, upon the request of United States forces, shall pass a decision on the payment of compensation in lieu of ordering reemployment or reinstatement. Compensation so ordered shall not exceed the equivalent of the salary and emoluments payable for the duration of the individual's notice period, not to exceed 3 months.

9. Persons hired in the Republic of Poland by United States forces shall be allowed access, from the date of their employment, to a facility to which access is controlled by the authorities of the Republic of Poland to the extent required to allow them to go to and from agreed facilities and areas where their presence is required for the performance of their employment. Such access may be denied, suspended or withdrawn by United States military authorities or authorities of the Republic of Poland for reasons of security or due to the employee's misconduct. If competent authorities of one Party deny, withdraw or suspend such access they shall state the reasons for their decision in writing to the competent authorities of the other Party.

10. Within the framework of the Joint Commission a Labor Subcommittee shall be established. Issues relating to employment matters, including labor-management relations, may be discussed within the Joint Commission and its Labor Subcommittee. Employee complaints or grievances regarding administrative and disciplinary actions, including terminations of employment contracts, shall be reviewed and resolved at the lowest competent level through consultation between the employee and the employer. Specific procedures for the resolution of employment disputes and employee complaints through Labor Subcommittee and Joint Commission intervention shall be set out in an implementing arrangement. In the event that all measures of consultation above are exhausted, the employee shall have the right to submit his/her claims to the courts of the Republic of Poland within 14 days from the completion of the consultation proceedings.

11. Local civilian employees employed within agreed facilities and areas may be subject to United States forces regulations in respect to maintenance of public order and safety, insofar as such regulations do not contravene the law of the Republic of Poland.

Article 35
Implementation and Dispute Settlement

1. As appropriate, the Parties or their designees may enter into implementing arrangements to carry out the provisions of this Agreement.
2. In accordance with Articles VII and XIII of the NATO SOFA, the Parties shall, within their power, assist each other in the prevention, detection and resolution of any abuses of the tax and customs regulations and in ensuring payment of duties, taxes and penalties resulting from such abuses.
3. Any divergence in views or disputes regarding the interpretation or application of this Agreement shall be resolved at the lowest competent level through consultation between the Parties and shall not be referred to any national or international court, tribunal or other similar body, or any third party for settlement.
4. The Parties hereby establish a Joint Commission to implement this Agreement. The Joint Commission shall consist of governmental representatives appointed by the Parties. As soon as possible after this Agreement enters into force, the Parties shall notify each other of their respective representatives charged with developing the terms of reference of the Joint Commission and shall designate the co-chair for their side. The Joint Commission shall determine its own procedures consistent with this Agreement, and arrange for such auxiliary organs and administrative services as may be considered appropriate in the implementation of this Agreement. Each Party shall bear the costs of its participation in the Joint Commission.

Article 36
Final Provisions

1. This Agreement shall enter into force in accordance with the internal law of each Party and upon the date of the later of the written notifications whereby the Parties inform each other that all their internal procedures necessary to bring this Agreement into force have been fulfilled.
2. This Agreement has been concluded for an indefinite period of time. It may be terminated by written notification by either Party and in that event it terminates 2 years after the receipt of the notification.
3. This Agreement may be amended at any time by mutual written agreement of the Parties. Any amendments shall be done in writing and shall enter into force pursuant to the terms set out in paragraph 1 of this Article.

Signed in Warsaw on December 11, 2009, in two duplicate copies in English and Polish languages, both texts being equally authentic.

FOR THE GOVERNMENT
THE UNITED STATES OF AMERICA

FOR THE GOVERNMENT
OF THE REPUBLIC OF POLAND

